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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,179	12/27/2000	Kuniharu Takayama	0826.1651	2989

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EXAMINER

BEAMER, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/748,179

Applicant(s)

TAKAYAMA ET AL.

Examiner

Temica M. Beamer

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6 and 9 is/are allowed.
- 6) ☒ Claim(s) 5, 7, 8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 7/11/2005 have been fully considered but they are not persuasive. Regarding claims 5, 7, 8 and 10-13, applicant argues that Peters fails to disclose associating area information within a coverage area to any one of selectable service programs and provides a service program when position information of a mobile station is included within the area information associated with the service program.

The examiner, however, respectfully disagrees. The claim requires that the mobile device be able to receive selected services when in a defined area. If the position of the mobile station is within the defined area, the selected service is executed.

Peters teaches these limitations as evidenced by the fact that only when the mobile station is within a defined area will the mobile device be able to receive the selected service. Thus, various defined areas are associated with services that a user can use if the user is in the coverage area of the defined area. Specifically, in col. 9, lines 20-26, Peters teaches that when a mobile device attempts to receive a selected service, that service is executed once it is determined that the mobile device is located in the defined area.

Therefore, based on the above remarks, Peters reads on the invention as presently claimed and the rejection is set forth below.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 5, 7, 8 and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Peters et al (Peters), U.S. Patent No. 6,397,072.

Regarding claims 5, 8, 11 and 13 Peters discloses a storage device storing freely settable area information within a service coverage area and a selectable service program, the area information corresponding to a defined area within a service coverage area and selectable service programs (col. 7, lines 30-42, col. 8, lines 16-32); a communication device receiving position information of a mobile station (col. 8, lines 4-7); a decision device for determining/detecting whether a position represented by the position information of the mobile station is included in the defined area corresponding to the at least one of the selectable service programs (col. 8, lines 50-56); and an execution device executing/providing the at least one of the selectable service programs corresponding to the area information to provide a service to the mobile station within the service coverage area when the position is included in the defined area (col. 9, lines 14-26).

Regarding claims 7 and 10, Peters discloses retrieving a specified selectable service program and area information which is stored corresponding to the specified selectable service program from a storage device storing a plurality of pieces of freely settable area information within a service coverage area and a plurality of selectable service programs for respective different services, each piece of area information corresponding to each selectable service program (col. 2, line 60-col. 3, line 5); deciding whether a position of a mobile station is included in an area represented by the retrieved area information (col. 3, lines 24-33, col. 8, lines 50-56); and executing the retrieved selectable service program to provide a service to the mobile station when the position is included in the area (col. 9, lines 14-26).

Regarding claim 12, Peters discloses linking area information within a service coverage area to the selectable service program (col. 2, line 65-col. 3, line 10); and providing the selectable service program to the mobile station (col. 8, lines 50-59); and providing the selectable service program to the mobile station upon determining that the received position information of the mobile station corresponds to the linked area information within the service coverage area of the selectable service program (col. 9, lines 18-26).

***Allowable Subject Matter***

4. Claims 1-4, 6 and 9 are allowed.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

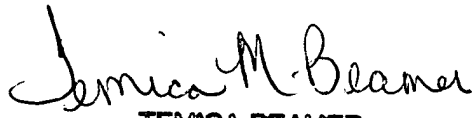
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb

  
TEMICA BEAMER  
PRIMARY EXAMINER  
12/10/05